

**United States District Court**  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DAVID O'DONNELL

v.

AVIS RENT A CAR SYSTEM LLC  
and ACE AMERICAN INSURANCE  
COMPANY

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CIVIL ACTION NO. 3:19-CV-2687-S-BK

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* ECF No. 177. Plaintiff filed objections. *See* ECF No. 181. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objections were made, and reviewed the remaining portions of the findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Accordingly, the Court **GRANTS** Defendant ACE American Insurance Company and Defendant Avis Rent A Car System, LLC's Rule 56 Motion for Summary Judgment [ECF No. 133]; **DENIES** Plaintiff David O'Donnell's Rule 56 Motion for Summary Judgment on Coverage, Breach of Contract, and Extra-Contractual Liability for Violation of the Texas Insurance Code, for Deceptive Trade Practices [ECF No. 136]; and **DENIES** Defendant ACE American Insurance Company's Rule 12(b)(1) Motion to Dismiss Plaintiff's Third Amended Complaint [ECF No. 160]. This case will be **DISMISSED WITH PREJUDICE** by separate judgment.

**SO ORDERED.**

SIGNED March 30, 2022.

  
UNITED STATES DISTRICT JUDGE